

1 TRINETTE G. KENT (State Bar No. 025180)
2 KENT LAW OFFICES
3 3219 E. Camelback Rd #588
4 Phoenix, AZ 85018
5 Telephone: (480) 247-9644
6 Facsimile: (480) 717-4781
7 E-mail: tkent@kentlawpc.com

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Of Counsel to:
Credit Repair Lawyers of America
22142 West Nine Mile Road
Southfield, MI 48033
Telephone: (248) 353-2882
Facsimile: (248) 353-4840

*Attorneys for Plaintiffs,
Bill and Shirley Ann Miller*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Bill Miller and
Shirley Ann Miller,

Case No.:

Plaintiffs,

COMPLAINT

vs.
Resurgent Capital Services, L.P.,
a foreign limited partnership,

JURY TRIAL DEMAND

Defendant.

1 NOW COME THE PLAINTIFFS, BILL MILLER AND SHIRLEY ANN
2 MILLER, BY AND THROUGH COUNSEL, TRINETTE G. KENT, and for their
3
4 Complaint against the Defendant, plead as follows:

5
6 **JURISDICTION**
7

8 1. This court has jurisdiction under the Fair Debt Collection Practices Act
9 ("FDCPA"), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
10
11

12 **VENUE**
13
14

15 2. The transactions and occurrences which give rise to this action occurred in the
16 City of Phoenix, Maricopa County, Arizona.
17
18

19 3. Venue is proper in the District of Arizona, Phoenix Division.
20
21

22 **PARTIES**
23
24

25 4. Plaintiffs are natural persons residing in the city of Phoenix, in Maricopa
26 County, Arizona.
27
28

29 5. The Defendant to this lawsuit is Resurgent Capital Services, L.P., which is a
30 foreign limited partnership that maintains a registered agent in Maricopa
31 County, Arizona.
32
33

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff, Shirley Ann Miller, to Cach, LLC in the amount of \$17,532.13 (“the alleged Debt”).
7. Plaintiff originally obtained the loan from Capital One to purchase windows for her home.
8. Several years ago, Mrs. Miller fell behind on her payments to Capital One.
9. In February 2015, Mrs. Miller set up a payment plan with the Law Office of Joe Pezzuto, LLC, for \$100 per month to pay off the alleged Debt.
10. On or about August 15, 2017, Mrs. Miller received a letter from Defendant, stating that because of the age of the alleged Debt, Cach, LLC will not sue her to collect, and that Cach, LLC will not report the alleged Debt to any credit reporting agency. Defendant further states that, effective 07/27/2017, Cach, LLC, has placed her account with Defendant for collection.
11. On August 31, 2017, at 7:03 am, Mr. and Mrs. Miller received a call from Defendant on their home phone, attempting to collect the alleged Debt in violation of the FDCPA.
12. On September 18, 2017, at 7:09 am, Mr. and Mrs. Miller received another call from Defendant on their home phone, attempting to collect the alleged Debt in violation of the FDCPA.

1 13.Mr. and Mrs. Miller have suffered emotional and pecuniary damages as a result
2 of Defendant's actions.
3
4

5 **COUNT I-VIOLATION OF**
6 **THE FAIR DEBT COLLECTION PRACTICES ACT**

7 14.Plaaintiffs reincorporate the preceding allegations by reference.
8

9 15.At all relevant times, Defendant, in the ordinary course of its business, regularly
10 engaged in the practice of collecting debts on behalf of other individuals or
11 entities.
12

13 16.Plaaintiffs are "consumers" for purposes of the FDCPA, and the account at issue
14 in this case is a consumer debt.
15

16 17.Defendant is a "debt collector" under the Fair Debt Collection Practices Act
17 ("FDCPA"), 15 U.S.C. §1692a(6).
18

19 18.Defendant's foregoing acts in attempting to collect this alleged debt violated the
20 following provisions of the FDCPA:
21

- 22 a. 15 U.S.C. §1692d by engaging in any conduct the natural consequence
23 which is to harass, oppress, or abuse any person in connection with the
24 collection of a debt. Defendant violated this provision of the FDCPA by
25 contacting Plaintiffs before 8:00 a.m. at the Plaintiffs' location;
- 26 b. 15 U.S.C. §1692c(a)(1) by contacting a consumer at any unusual time
27 which should have been known to be inconvenient to the consumer.
28

1 Defendant violated this provision of the FDCPA by contacting Plaintiffs
2 before 8:00 a.m. at the Plaintiffs' location.
3

4 19. The Plaintiffs have suffered economic, emotional, general, and statutory
5 damages as a result of these violations of the FDCPA.
6
7

8 **WHEREFORE, PLAINTIFF PRAYS** that this court grant them a judgment
9 against Defendant for actual damages, costs, interest, and attorneys' fees.
10

11

12 **DEMAND FOR JUDGMENT RELIEF**

13 Accordingly, Plaintiffs request that the Court grant them the following relief
14 against the Defendant:

15

16 a. Actual damages;
17 b. Statutory damages; and
18 c. Costs and attorneys' fees.

19

20

21 **JURY DEMAND**

22

23 Plaintiffs hereby demand a trial by Jury.

24 DATED: September 29, 2017

25 KENT LAW OFFICES

26 By: /s/ Trinette G. Kent
27 Trinette G. Kent
28 Attorneys for Plaintiffs,
 Bill Miller and Shirley Ann Miller

